

### REMARKS

This is in response to the Office Action mailed on September 8, 2004, which restricts the present application to claims 1-8 (Group I) directed toward a method of forming a magnetoresistive reader, claims 9-18 (Group II) also directed toward a method of forming a magnetoresistive reader, or claims 19-20 (Group III) directed toward a magnetoresistive reader. With this Response, Applicant hereby elects, with traverse, to pursue the Group I claims.

Applicant disagrees, however, that the inventions of Groups I and II are separate and distinct inventions requiring election therebetween, and respectfully requests reconsideration and withdrawal of this restriction requirement. The method of independent claim 1 of Group I recites as steps:

- defining a stripe height back edge of a magnetoresistive sensor of the magnetoresistive reader; and
- subsequently defining a reader width of the magnetoresistive sensor.

The invention of this claim is generic to the inventive method of independent claim 9 of Group II, which includes as steps:

- selectively patterning a first photoresist layer...serving to define a stripe height back edge of the magnetoresistive sensor...;
- selectively patterning a second photoresist layer...serving to define a reader width of the magnetoresistive reader....

Thus, the inventions of Groups I and II are not distinct inventions.

In the Office Action, it is alleged that the inventions of Groups I and II are distinct because they have separate utility. Specifically, it is alleged that the invention of Group I requires the definition of a stripe height back edge not required of Group II, but independent claim 9 of Group II specifies "the first photoresist layer serving to **define a stripe height back edge**". It is further alleged in the Office Action that the invention of Group II requires the use of first and second photoresist layers not required by Group I; however, dependent claims 2 and 3 of Group I recite the use of first and second photoresist layers. Because the invention of independent claim 1 of Group I is generic to the invention of Group II, and because the inventions of Group I and II do not have

separate utility, this restriction requirement should be withdrawn. Reconsideration and notice to that effect is respectfully requested.

With this Amendment, Applicant has submitted a Replacement Drawing correcting that the apparatus shown therein is MR reader 10 as described at paragraph 21 of the present application.


Also, with this Amendment, a minor typographical error at paragraph 28 of the current application is corrected.

The Commissioner is authorized to charge any additional fees associated with this paper or credit any overpayment to Deposit Account No. 11-0982. A duplicate copy of this communication is enclosed.

Respectfully submitted,

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